

PROVIDING FOR THE CONSIDERATION OF H.R. 4276, THE COMMERCE, JUSTICE, STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS BILL FOR FISCAL YEAR 1999

JULY 22, 1998.—Referred to the House Calendar and ordered to be printed

Mr. LINDER, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 508]

The Committee on Rules, having had under consideration House Resolution 508, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for consideration of H.R. 4276, the “Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Bill for Fiscal Year 1999” under an open rule. The rule provides one hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI (requiring a three-day layover of the committee report), clause 7 of rule XXI (requiring relevant printed hearings and reports to be available for three-days prior to the consideration of a general appropriations bill) and section 401(a) of the Budget Act (prohibiting consideration of legislation, as reported, providing new contract, borrowing or credit authority that is not limited to amounts provided in appropriation acts). The rule further waives points of order against provisions in the bill for failure to comply with clause 2 (prohibiting unauthorized appropriations and legislative provisions in an appropriations bill) and clause 6 (prohibiting reappropriations in a general appropriations bill) of rule XXI.

The rule provides for consideration of the amendments printed in this report, which may only be offered by a Member designated in this report and only at the appropriate point in the reading of the

bill, shall be considered as read, shall be debatable for the time specified and shall not be subject to further amendment or to a demand for a division of the question. The rule also waives all points of order against the amendments printed in this report.

The rule permits the Chairman of the Committee of the Whole to accord priority in recognition to those Members who have preprinted their amendments in the Congressional Record prior to their consideration. The rule further allows the Chairman of the Committee of the Whole to postpone recorded votes and to reduce to five minutes the voting time on any postponed question, provided voting time on the first in any series of questions in not less than 15 minutes.

Finally, the rule provides one motion to recommit, with or without instructions.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

Mollohan—Substitute Bureau of the Census language which does the following: strikes language in the bill that fences half of the FY 1999 appropriation for the decennial census until subsequent legislation releasing the funds is enacted; facilitates resolution by the courts of constitutional and legal issues surrounding the census; and enlists the aid of the National Academy of Sciences to help resolve technical statistical issues of census methodology. (60 minutes)

Callahan—Provides jurisdictional parity for fisheries enforcement for the states of Alabama, Louisiana and Mississippi with the states of Florida and Texas by replacing the nine mile provisions contained in the bill with “3 marine leagues,” the actual amount of state jurisdiction currently enjoyed by Texas and Florida, and establishes July 1, 1999 as the effective date for this provision. (20 minutes)

Hefley—Prevents the use of funds in this act or any other act from being used to implement, administer or enforce Executive Order 13086 of May 28, 1998. The executive order amends a 1969 executive order by adding “sexual orientation” as a new category to civil rights laws as they apply to federal workers and federal grant recipients. Prevents the use of funds in this act or any other act from being used to implement, administer or enforce Executive Order 13083, titled Federalism, of May 14, 1998. (20 minutes)

Amendments made in order under the rule:

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MR. MOLLOHAN OF WEST VIRGINIA, OR A DESIGNEE. DEBATABLE FOR 60 MINUTES

Page 45, strike lines 9 through 19 and insert the following:
Provided, That the Bureau of the Census may use funds appropriated in this Act to continue to plan, test, and prepare to implement a 2000 decennial census that uses statistical sampling methods to improve the accuracy of the enumeration, consistent with the recommendations of the National Academy of Sciences made in response to Public Law 102-135, unless the Supreme Court of the United States rules that these methods are contrary to the Constitution of the United States or title 13 of the United States Code:

Provided further, That the Bureau of the Census shall also continue to plan, test, and become prepared to implement a 2000 decennial census without using statistical methods, in accordance with the first sentence of section 209(j) of Public Law 105–119, until the Supreme Court has issued decisions in or otherwise disposed of all cases brought pursuant to section 209(b) of Public Law 105–119 and pending as of July 15, 1998 (or the time for appealing such cases to the Supreme Court has expired), and shall continue such preparations beyond that date only if the Supreme Court has held statistical sampling methods to be contrary to the Constitution or such title 13: *Provided further*, That the National Academy of Sciences is requested to review the current plans of the Bureau of the Census to conduct the decennial census using statistical sampling methods and report to the Congress, not later than March 1, 1999, regarding whether these plans are consistent with past recommendations made by the Academy, and whether, in the judgment of the Academy (or an appropriate expert committee thereof), these plans represent the most feasible means of producing the most accurate determination possible of the actual population.

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MR. CALLAHAN OF ALABAMA, OR A DESIGNEE. DEBATABLE FOR 20 MINUTES

Page 62, beginning at line 15, strike section 210 and insert the following:

SEC. 210. (a) IN GENERAL.—Each of the States of Alabama, Louisiana, and Mississippi has exclusive fishery management authority over all fish in the Gulf of Mexico within 3 leagues of the coast of that State, effective July 1, 1999.

(b) FISH DEFINED.—In this section, the term “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MR. HEFLEY OF COLORADO, OR A DESIGNEE. DEBATABLE FOR 20 MINUTES

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this or any other Act may be used to implement, administer, or enforce Executive Order 13087 of May 28, 1998 (63 Fed. Reg. 30097) or Executive Order 13083 of May 14, 1998 (63 Fed. Reg. 27651).